



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: April 27, 2005 REPORT NO. HO 05-068

ATTENTION: Hearing Officer

SUBJECT: BLACKFOOT AVENUE MAP WAIVER,
PTS PROJECT NUMBER: 48623

LOCATION: 4705 Blackfoot Avenue

APPLICANT: Jefferson T. Edmonds

SUMMARY

Requested Action - Should the Hearing Officer approve a request to waive the requirements for a tentative map to convert two residential units, one under construction, one existing into condominium ownership and a request to waive the requirement to underground existing overhead utilities?

Staff Recommendation -

1. APPROVE Map Waiver 144398, and
2. APPROVE Waiver of the Requirement to Underground existing Utilities.

Community Planning Group Recommendation – On October 19, 2004 the Clairemont Mesa Planning Committee voted to approve the Map Waiver, the motion failed 4-9. (Attachment 6)

Environmental Review - This project is exempt from environmental review pursuant to Article 19, Section 15301(k), Existing Facilities, of the California Environmental Quality Act (CEQA).

BACKGROUND

The subject property located at 4705 Blackfoot Avenue between Clairemont Drive and Apache Avenue is a 6,795 square foot site zoned RM 1-1 within the boundaries of the Clairemont Mesa Community Plan area. The site is also within the Clairemont Mesa Height Limitation Overlay zone. Current construction is permitted by Permit No's. 100484 and 100490.

DISCUSSION

The project application was deemed complete on September 8, 2004. The subdivider will be required to pay the applicable "in lieu" fees to satisfy the Inclusionary Housing requirement or enter into an agreement with the San Diego Housing Commission to provide one affordable housing unit. The applicant has elected to pay the "in lieu" fee.

The existing dwelling has been owner occupied or vacant. The Housing Commission has indicated in writing that the applicant has satisfied all the provisions of the Municipal Code for Tenant Relocation Benefits and therefore that requirement has been removed from the Resolution conditions.

The existing single story, two bedroom dwelling unit with one car garage was constructed in 1953. Modifications to the existing unit which included a new two car garage were permitted under Permit Number 126379. The current development of the new two story, three bedroom unit and a two car garage, was constructed under Permit Numbers 100484 for the dwelling unit and 100490 for the garage. The new construction meets all applicable zoning and development requirements. The newly constructed unit has not yet received a "certificate of occupancy".

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developer's Expense*, in that the conversion is a requirement of a condominium conversion of an existing development and the conversion involves a short span of overhead facilities less than a full block in length and the conversion would not represent a logical extension to an under-grounding facility. The applicant would be required to underground any new service run to any new or proposed structures within the subdivision.

The utilities for the entire site are currently provided via overhead poles along the adjacent alley. The applicant was not required to underground new utilities at the time the second unit was approved. The existing power poles in the alley service all nearby properties. The existing site conditions regarding overhead utilities can be supported because the development qualifies under the guidelines of Council Policy 600-25,

The City's Under-grounding Master Plan for Fiscal Year 2004 designates Blackfoot Avenue scheduled for undergrounding in 2012.

CONCLUSION

Staff has reviewed the application for the Map Waiver and the request to waive the requirement to underground the existing overhead utilities and believes that the required findings can be made to support the proposed project. Additionally, the project was reviewed and exempted from the California Environmental Quality Act and Categorically Exempt from further environmental review. Therefore, staff recommends that the Hearing Officer approve both the proposed map waiver and the waiver to underground existing overhead utilities

ALTERNATIVE

1. APPROVE Map Waiver 144398 and the waiver of the requirement to Underground existing Utilities, with modifications.
2. DENY Map Waiver 144398 and the waiver of the requirement to Underground existing Utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Helene Deisher, Development Project Manager

Attachments:

1. Community Plan Land Use Map
2. Project Location Map
3. Project Data Sheet
4. Map Waiver Exhibit (Hearing Officer Only)
5. Draft Map Resolution with Findings and Conditions.
6. Community Planning Group Recommendation
7. Ownership Disclosure Statement
8. Undergrounding Master Plan- Block 6G